

U.S. Application Serial No. 10/757,963
Restriction Requirement Mailed January 17, 2006
Response to Restriction Requirement Dated February 10, 2006

PATENT
Docket No. MVAS-5001-U

REMARKS/ARGUMENTS

In the Office Action, the Examiner issued a restriction requirement alleging that the application claims ten distinct inventions (Groups I-X). Group I includes claims 1-5. Group II includes claims 6-10. Group III includes claims 11-15. Group IV includes claims 16-21. Group V includes claims 22-26. Group VI includes claims 27-31. Group VII includes claims 32-36. Group VIII includes claims 37-41. Group IX includes claims 42-46. Group X includes claims 47-51.

1. Election in Response to Restriction

Pursuant to 37 C.F.R. § 1.142, Applicants hereby elect Group I (claims 1-5) with traverse. Claims 6-51 are withdrawn as being directed to non-elected subject matter pursuant to 37 C.F.R. 1.142(b). All of the pending claims now read on the elected subject matter. In addition, Applicants reserve the right to petition for rejoinder under 37 C.F.R. § 1.144 should a search of the group elected fail to reveal prior art related to the subject matter of the claims. Applicants also reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the present application.

2. Traversal of Examiner's Restriction

Applicants traverse the Examiner's ten-way restriction of the application on the grounds that the basis for restriction pursuant to MPEP §803 has not been met.

An application may properly be required to be restricted to one of two or more claimed inventions *only if*:

1. the inventions are independent or distinct as claimed; *and*
2. the search and examination of the entire application places a serious burden on the examiner.

MPEP §803. Accordingly, restriction is only proper when both elements are satisfied.

U.S. Application Serial No. 10/757,963
Restriction Requirement Mailed January 17, 2006
Response to Restriction Requirement Dated February 10, 2006

PATENT
Docket No. MVAS-5001-U

Applicants traverse the Examiner's restriction because the inventions are not distinct, and search and examination of the entire application does not place a serious burden on the examiner.

A. All Independent Claims Specify Comparison to Structure Coordinates of Figure 3

In the present application, each group of restricted claims specify using structure coordinates having a root mean square deviation equal to or less than 0.98Å when compared to the structure coordinates of Figure 3 when the root mean square deviation is calculated using the alpha-carbon atom positions.

Claims are independent and can be subject to restriction when there is no disclosed relation between the claimed inventions. MPEP §806. In this instance, there is a clear relationship between all of the different restricted groups of claims, specifically the feature that the structure coordinates have a root mean square deviation equal to or less than 0.98Å when compared to the structure coordinates of Figure 3. If this feature of the claimed invention proves to be novel upon examination, all of the originally presented claims will be novel. Applicants therefore submit that the current restriction is not proper with regard to Groups I-X and should be withdrawn.

B. Groups I-IV Are All Drawn to Methods of Determining Three Dimensional Structures Using Same Set of Structure Coordinates

In addition, with respect to the claims of Groups I-IV, all of those claims are drawn to methods of determining three dimensional structures from a given set of structure coordinates that have a root mean square deviation of not more than 0.98Å when appropriately compared to the structure coordinates of Figure 3. Accordingly, Applicants submit that the current restriction is not proper with regard to Groups I-IV and should be withdrawn.

C. Groups V-X Are Drawn to Methods of Evaluating Association With Protein Using Three Dimensional Structures Based on Same Set of Structure Coordinates

Further, with respect to the claims of Groups V-X, all of those claims relate to methods of evaluating a potential for an entity to associate with a protein. In the claims of Groups VII and

U.S. Application Serial No. 10/757,963
Restriction Requirement Mailed January 17, 2006
Response to Restriction Requirement Dated February 10, 2006

PATENT
Docket No. MVAS-5001-U

VIII, the moiety is a potential agonist or antagonist. Accordingly, Applicants submit that the current restriction is not proper with regard to Groups V-X and should be withdrawn.

D. Groups I-X Are Directed to Same Class and Subclass

Claims of Groups I-X have been identified by the Examiner as being classified in class 702, subclass 19. Class 702, subclass 19 is defined as relating to subject matter wherein the data processing system or calculating computer is designed for or utilized in a measurement system directed to an environment of life or chemical compound or process in a living system. Since searching in class 702, subclass 19 should uncover art pertinent to all of the claims of Groups I-X, the claims of those groups do not require a separate or different field of search. Accordingly, for this further basis, Applicants submit that the current restriction as to Groups I-X is not proper and should be withdrawn.

E. Groups I and II Are Directed to Methods for Displaying Three Dimensional Representations of a Protein

Further, with respect to the claims of Groups I and II, all of those claims relate to methods for displaying three dimensional representations of a protein. In the claims of Group II, the three dimensional representation of the protein includes a binding pocket. Accordingly, Applicants submit that the current restriction is not proper with regard to Groups I and II and should be withdrawn.

F. Groups V, VI, IX and X Are Directed to Methods for Evaluating a Potential of an Entity to Associate With a Protein

In addition, with respect to the claims of Groups V, VI, IX and X, all of those claims relate to methods for evaluating a potential of an entity to associate with a protein. In the claims of Groups VI and X, the protein includes a binding pocket. In the claims of Groups IX and X, the entity to be evaluated is selected in the manner described in the claims. Accordingly, Applicants believe that the current restriction is not proper with regard to Groups V, VI, IX and X and should be withdrawn.

U.S. Application Serial No. 10/757,963
Restriction Requirement Mailed January 17, 2006
Response to Restriction Requirement Dated February 10, 2006

PATENT
Docket No. MVAS-5001-U

G. Groups VII and VIII Are Directed to Methods for Identifying Potential Agonists or Antagonists

Further, with respect to the claims of Groups VII and VIII, all of those claims relate to methods for identifying potential agonists or antagonists for a protein. In the claims of Group VIII, the protein includes a binding pocket. Accordingly, Applicants submit that the current restriction is not proper with regard to Groups VII and VIII and should be withdrawn.

H. Request for Reconsideration

In light of the foregoing remarks, Applicants submit that the claims of Groups I-X are not independent and have not achieved a separate classification, a separate status in the art, or a different field of search. Accordingly, examination of Groups I-X without restriction is appropriate and does not place a serious burden on the examiner and the restriction requirement should be withdrawn. If the Examiner nonetheless insists on a restriction, Applicants propose a more moderate restriction of between New Group A (current Groups I-IV) and New Group B (current Groups V-X). At the very least, Applicants propose a five-way restriction where Groups I and II are rejoined; Groups V, VI, IX and X are rejoined; and/or Groups V and VI are rejoined.

U.S. Application Serial No. 10/757,963
Restriction Requirement Mailed January 17, 2006
Response to Restriction Requirement Dated February 10, 2006

PATENT
Docket No. MVAS-5001-U

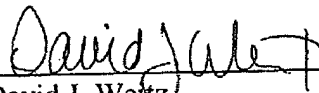
CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Takeda San Diego, Inc.

Dated: February 10, 2006

By: 
David J. Weitz
Reg. No. 38,362

Customer No. 32793
Takeda San Diego, Inc.
10410 Science Center Drive
San Diego, CA 92121
Telephone: (858) 622-8528
Facsimile: (858) 550-0992